

## REMARKS

Claims 1-21 are pending in the present application. Claims 2, 7, and 8 are canceled herein without prejudice or disclaimer. Claims 1, 3-6, and 9-21 are amended herein for clarity to more particularly define the invention. Support for these amendments can be found in the language of the original claims and throughout the specification, as set forth below. It is believed that no new matter is added by these amendments and their entry and consideration are respectfully requested. In light of these amendments and the following remarks, applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

### **I. Drawings**

The Examiner requests corrected drawings because (1) it is unclear what the vertical line represents in Figures 2(a)-2(h) and (2) in Figure 5 there is no indication which panel represents rabbits A-F.

The figure legend for Figures 2(a)-2(h) is amended herein to recite that eight groups of mice were used and that the samples from each group were placed on two separate ELISA plates (see Example). The dashed vertical line distinguishes between the two ELISA plates with samples from Groups 1-6 on one ELISA plate and samples from Groups 7-10 on the other plate. As noted at the top of the graphs, a separate control was used for each ELISA plate. Applicants believe that this amendment clarifies what is represented by the vertical line in Figures 2(a)-2(h).

In addition, applicants provide herewith an amended Figure 5 (Replacement Sheet) in which the figure is amended to show which panel represents rabbits A-F.

Applicants believe that the amendment of the figure legend for Figures 2(a)-2(h) and the enclosed amended Figure 5 address the concerns of the Examiner. Applicants respectfully request that the Examiner contact applicants should any concerns remain regarding these figures.

## **II. Claim objections**

Claim 21 is objected to as allegedly being of improper dependent form.

Claim 21 is amended herein to recite a method of raising an immune response comprising administering to a human or animal an immunologically effective amount of the formulation of Claim 1. Support for this amendment can be found throughout the specification, for example, at least on page 6, last full paragraph; on page 15, last paragraph, through page 16, first paragraph. Applicants submit that claim 21 is now in proper dependent form and therefore, respectfully request the withdrawal of this objection.

## **III. Claim rejections under 35 U.S.C. §112, first paragraph**

Claims 1-21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement.

Claim 1 is amended herein to recite that the immunogenic formulation is used to raise an immune response to hepatitis types A and B. Accordingly, applicants submit that claim 1 and the claims dependent thereon are enabled and respectfully request that this rejection be withdrawn.

## **IV. Claim rejections under 35 U.S.C. §112, second paragraph**

Claim 17 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claim 17 is canceled herein without prejudice or disclaimer thereby mooted this rejection. Accordingly, applicants respectfully request the withdrawal of this rejection.

## **V. Double patenting**

Claim 17 is rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 7,128,916.

Claim 17 is canceled herein without disclaimer or prejudice thereby mooted this rejection. Accordingly, applicants respectfully request the withdrawal of this rejection.

**VI. Voluntary amendments.**

Claims 3-6 and 8-20 are amended herein to recite an immunogenic formulation rather than a vaccine formulation. Support for this amendment can be found throughout the specification, for example, at least on page 4, last full paragraph; on page 5, first full paragraph, through page 6, last paragraph; and the Example.

The points and concerns raised in the Action having been addressed in full herein, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. Should there be any remaining concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expedite the prosecution of this application.

The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$130.00 as the fee for a one-month extension of time. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

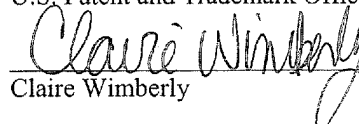


Alice M. Bonnen  
Registration No.: 57,154

**Customer Number 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P.O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATION OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 2, 2010.

  
Claire Wimberly